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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 28 October 2004 from the Permanent Mission of Georgia to the United Nations addressed to the Chairman of the Committee

The Permanent Representative of Georgia has the honour to address the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and to transmit herewith the report of the Government of Georgia in accordance with paragraph 4 of the resolution (see annex).

04-59451 (E) 101204

Annex to the note verbale dated 28 October 2004 from the Permanent Mission of Georgia to the United Nations addressed to the Chairman of the Committee

Report of Georgia on measures taken in implementation of Security Council resolution 1540 (2004)

Legislative Basis

1. The issues of export of conventional weapons and technologies related to them are regulated by the following laws:

- The Law of Georgia on Weapons;
- The Law of Georgia on Export and Import Control of Weapons, Military Equipment and Dual-Use Materials;
- The Law of Georgia on Basis of Issuing License and Permit for Production Activities.

In addition to the above-mentioned laws, there are other legal acts and mechanisms, which form the core of the state regulation system of non-proliferation of weapons, in particular:

- Criminal Code of Georgia;
- Decree # 408 of the President of Georgia, dated September 22, 2002, on Certain Measures for Settlement of Issues on Export, Re-export and Transit of Dual-Use Materials Subject to Export Control;
- Decree # 424 of the President of Georgia, dated July 4, 1999, on Certain Measures for Export Control of Dual-Use Materials (Technologies, Equipment, Service).

2. The issues of weapons of mass destruction and related technologies are regulated by the following provisions of the Criminal Code of Georgia:

- Article 230 – Illicit purchase, keeping, possessing or disposal, use, processing, testing, transferring, transporting, export and import, sale or other illegal handling of or any other deal related to nuclear material or device shall be punishable by imprisonment for up to five years in length.
- Illicit export of technology, scientific-technical information or service for the production of weapons of mass destruction or military equipment, their transportation, whereon special export control is imposed shall be punishable by fine or imprisonment ranging from three to five years in length.
- In compliance with the Criminal Code of Georgia, manufacturing of nuclear weapons or other explosive nuclear device shall be punishable by imprisonment ranging from five to ten years in length (Article 232 of the Criminal Code of Georgia);
- In compliance with Article 406, the crime against the mankind consists in "production, purchase or sale of the chemical, biological or other weapons of mass destruction prohibited under the International Treaties that Georgia is party to" and shall carry legal consequences of imprisonment ranging from eight to fifteen years in length.

Besides the aforesaid, the analogous provisions are included into the Law of Georgia on Guarantees and Promotion of the Activities on Investments. According to Article 9 of the Law, it is prohibited to invest: a) development, production and proliferation of nuclear, bacteriological and chemical weapons; b) creation of testing areas for nuclear, bacteriological and chemical weapons; c) import of nuclear and toxic remains with a view to their burial or disposal;

In addition to the above-mentioned, Georgia is a party to the following international agreements and conventions:

- Convention on Non-Proliferation of Nuclear Weapons;
- Convention on Prohibition of Development, Production, Accumulation and Use of Chemical Weapons and Disposal of their Supplies;
- Convention on Processing and Production of Bacteriological, Biological and Toxic Weapons and Accumulation and Disposal of their Supplies;
- Agreement and Additional Protocol Between the Republic of Georgia and Nuclear Atomic Energy Agency on Use of Guarantees Related to the Agreement on Non-Proliferation of Nuclear Weapons;

Bilaterai Agreements:

- Agreement Between Georgia and the USA on Cooperation in the Sphere of Avoidance of Proliferation of Weapons of Mass Destruction and on Expansion of Relations in the Defence and Military Sphere;
- Agreement Between the State Department of State Border Defence of Georgia and the Department of Defence of the USA on Rendering Assistance in Establishment of System of Export Control For Avoidance of Proliferation of Weapons of Mass Destruction in Georgia;
- Agreement Between the Government of Georgia and the Government of the USA on Insuring the Programme of Prevention of Terrorism;
- Agreement Between the Department of Defence of the United States of America and the Ministry of Defence of Georgia On Cooperation in the Sphere of Spread of Technologies, Pathogens and Information Related to Development of Biological Weapons.

Implemented Work

It should be noted that after disintegration of the Soviet Union, Georgia carried out certain measures on non-proliferation of weapons of mass destruction. In particular, the reactor, located in Mtskheta, was closed down and in 1998. Atomic fuel from the reactor was removed from the country. Certain measures were carried out with a view to non-proliferation of chemical and biological weapons and to disposal the radioactive sources, as well as to introduce the system of export control of dual-use materials and technologies. In particular, by Decree #46 of the President of Georgia, dated December 2, 1996, there was created "the working group for elaboration of proposals for creating the legislative and technical basis of the system of export control of technologies, radioactive materials and goods of special designation". The Committee for Foreign Economic Relations, existing within that period of

time, was entrusted with its coordination. Later on, from December 1997, the coordination was re-assigned to its legal successor, the Ministry of Trade and Foreign Economic Relations.

The working group studied legal frameworks of number of states and, taking into consideration all the aforesaid, developed the Law on Export Control of Weapons, Military Equipment and Dual-Use Materials.

Decree # 424 of the President of Georgia on Certain Measures for Export Control of Dual-Use Materials (Technologies, Equipment, and Service) was issued on 4 July 1999. In follow-up to this Decree, the Ministry of Trade and Economic Relations of Georgia elaborated the list of dual-use materials subject to export control and, with due regard for the norms recognized in the international practice and before coming into force of the control lists, established the 15-month transitional period.

Decree # 650 of the President of Georgia, dated 7 December 1999, created the Permanent Interagency Committee for Military-Technical Issues under the National Security Council of Georgia to establish and strengthen state control in the sphere of purchase and sale of weapons, military equipment and ammunition – a rather significant step for practical implementation of relevant decisions.

One should underline the work and activity carried out by the State Department of the State Border Protection in the issues of settlement of the aforesaid problems, in particular: in July 2004, through the assistance of the US Power Engineering Department, the radiation detectors at the international check-points on the border with Turkey and Armenia (Vale and Guguti) were assembled. For the time being, the Georgian Border Monitoring System has radiation detectors at five check-points (Kazbegi, Guguti, Sadakhlo, Vale and Sarpi).

The international check-points also have radiation pagers and radiation counters. At two check-points, Tsiteli Khidi (Red Bridge) and Poti Port, there are assembled radiation detectors, which are the property of the Customs Department.

Representatives of the Institute of Physics of the Academy of Science of Georgia and the Department of Border Protection of Georgia joined the CIS Expert Working Group set up on the initiative of the USA for the issues of the technologies of non-proliferation and control over double-use production and the methods of their application.

Besides, the officials of the Department participated in different seminars, held by the US Power Engineering Department, on the issues of the technologies and the methods of non-proliferation and control over double-use production (e.g. Baku, September 2003, Tbilisi, April 2004 and others).

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 28 October 2004 from the Permanent Mission of the Republic of Albania to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Albania to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), and upon instructions of the Government of the Republic of Albania has the honour to transmit herewith the implementation report, called for in operative paragraph 4 of Security Council resolution 1540 (2004) (see annex).

04-59490 (E) 091204

Annex to the note verbale dated 28 October 2004 from the Permanent Mission of the Republic of Albania to the United Nations addressed to the Chairman of the Committee

REPUBLIC OF ALBANIA
IMPLEMENTATION REPORT, CALLED FOR IN PARAGRAPH 4 OF SECURITY COUNCIL RESOLUTION 1540

Background information

The Albanian Government remains constantly committed to further contribute as an active member of the international coalition against terrorism. Albania has signed and ratified, and is now implementing the 12 United Nations Conventions and Protocols against terrorism. It has extended the implementation of the relevant resolutions of the UN Security Council, cooperating closely with respective structures and submitting regular reports to them.

Albania, as Member State of UN has supported the international efforts for the establishment of a non proliferation regime in all the countries and providing the necessary steps for the peaceful use of nuclear, chemical and biological materials. It welcomed the decision of the Security Council to play an active role in the fight against threats coming from possession and trafficking of weapons of mass destruction. In this regard it hailed the unanimous adoption of Security Council Resolution 1540 (2004) on 28 April 2004.

The Government of the Republic of Albania has taken appropriate legislative measures in order to prevent the proliferation of WMD. Albania does not possess nuclear weapons. Albania does not produce, stockpile or transfer nuclear, biological or chemical weapons or related devices. Albania has declared its chemical weapons stockpile in 2003 and now is ready to start the implementation of National Chemical Weapons Destruction Program. We hope to destroy all the stockpile of chemical weapons before the deadline (year 2007) set up on CWC.

The Republic of Albania is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), as well as the Chemical Weapons Convention (CWC), the Biological and Toxin Weapons Convention (BTWC) and the Comprehensive Nuclear Test-Ban Treaty (CTBT). According to the article 122 of the Albanian Constitution, all international conventions and agreements after being ratified by the Albanian Parliament, are part of Albanian domestic legislative system and they prevail over domestic legislation.

Albania has also taken all measures for the implementation of the Code of Conduct on Safety and Security of Radioactive Sources of the IAEA. It has already taken the decision to adhere and will soon sign the Additional Protocol to the Safeguards Agreement of the IAEA, while aligning itself with the Statement of Interdiction Principles of the Proliferation Security Initiative (PSI), on 31 May 2004.

Recently, the Government of the Republic of Albania has approved in principle, by the decision no. 604 of 28 August 2003 and no. 248 of 30 April 2004, respectively the EU Code of Conduct and the membership to Wassenar Arrangement.

The Albanian General Customs Directorate has the responsibility to prevent the import and export of unlicensed goods, investigating offences, and taking appropriate actions, including prosecution of offenders.

The Ministry of Foreign Affairs is responsible for inter-ministerial coordination for actions to put into effect counter-proliferation strategies and initiatives. MFA has overseen the preparation of the Republic of Albania's response to the 1540 Committee.

National Implementation and Domestic Regulations in Albania, include Criminal Code of the Republic of Albania, No. 7895, 27 January 1995
<http://www.opbw.org/nat_imp/leg_reg/albania/CC_A202.pdf> Article 202,
<http://www.opbw.org/nat_imp/leg_reg/albania/CC_A232.pdf> Article 232,
<http://www.opbw.org/nat_imp/leg_reg/albania/CC_A234.pdf> Article 234 and
<http://www.opbw.org/nat_imp/leg_reg/albania/CC_A281.pdf> Article 281, Law no 7747 on 29 July 1993 on CWC ratification, Ministry of Defense order no 211 date 17 June 2002 on "Radioactive wastes", Articles 9.2, 10.3, 11.9 of Customs Code.

Export-import of military goods

The Republic of Albania does not provide any form of support to non-State actors that intend to produce, develop, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

The Ministry of Defense controls the export-import of military goods and technology through MEICO (Military Export Import Company), in compliance with the respective decisions of the Albanian Government. Only MEICO has the authority to negotiate with foreign contractors. There is no other authority for running these procedures in the territory of Albania. "MEICO" is a public enterprise under the Albanian Ministry of Defense. It was established in 1991, by the Order of Council of Ministers No. 366 of 05.10.1991 "For the creation of Import- Export Enterprise under the Ministry of Defense".

There is no private enterprise on arms import-export or brokering in Albania.

Export-import rules for items of military character in Republic of Albania

The conditions that a foreign trade subject should meet to import or export armaments, ammunition and materials of military character from and in the Republic of Albania through MEICO are as follows:

- Must be a registered trade subject in a country that is not under the embargo of the UN, where is prohibited the import- export of armaments, ammunitions and other items, in compliance with the respective international instruments where the Republic of Albania is a party.

- Must hold a valid license for the import of armaments, ammunition and other items issued by authorities of its country.

- Must present the End User licence, a document issued by authority of its country, guaranteeing that this item will reach that country and will not be reexported or transited.

Export-import of radioactive materials

Albanian Institutions (National Atomic Authority, Radiation Protection Commission, Institute of Nuclear Physics, University Hospital Centre "Mother Teresa') are participating and working in different international projects and programmes to upgrade the security of radiological facility and strong radioactive sources and to undertake the necessary steps for documentation and searching of lost and orphan sources.

The exports system of radioactive materials up to 1995 was regulated by the Ministry of Health. In 1995 was established the Radiation Protection Commission (RPC) functioning as the Albanian Regulatory Authority, which was responsible for controlling exports of radioactive materials. Due to the fact that Albania did not produce radioactive materials this procedure was not very strict and there was not enough attention.

Up to 2000 the activity of the Albanian Regulatory Authority was focused in strengthening the system of Exports of the country. In that framework on 24/02/2000 was enacted the decision of Councils of Ministers, which regulates in principle the export of Radioactive materials from Albania. It was foreseen that the exporters must have 2 documents for export; the license and permission.

The license had to be granted to the company, which completes the request for export from Radiation Protection Commission and permission was given by the Radiation Protection Office to number the exports from the Country. Up to beginning of 2004 this procedure was in place to control exports of RM.

Actually we are working and we have prepared the draft regulation for controlling the import-export of radioactive materials in the country. This draft-regulation provides that Albania has to establish export authorization Procedures that include appropriate enforcement measures.

The transfer of RM has to take place only with prior notification from Albania, as appropriate, consent by importing state in accordance with their respective laws and regulations.

In case of export Albania should provide to the importing state the following information:

* Name of recipient
* Recipient location and its address
* Radionuclide and radioactivity
* Suggested time frame for decision on the request
* Estimated date of export
* Exporting facility
* Aggregate activity level
* The notification should be made at last 7 days prior to shipment.

RPC can authorize the import of radioactive sources (based on the list Code of Conduct for Category 1 and 2 only if the recipient is licensed to receive and posses the source under its law and has the administrative and technical capacity to manage the source.

RPC can authorize the export of radioactive sources only if the receiving state is licensed to receive and posses the source under its law and has the administrative and technical capacity to manage the source. Albania can authorize an import or export in case that above conditioned are not satisfied, only in exceptional circumstances with the consent of importing state if an alternative arrangement has been made to ensure the source will be managed in safe manner.

RPC allow for re-entry in Albania of disused sources, if it has accepted during the export to return it to producer. RPC authorizes the import-export only when the transfer is made in compliance with international safe transport regulation. Authorization of transit and transshipments will be in compliance with international agreements and regulations.

This regulation will be approved by a decision of Council of Ministers and will be applied through General Directorate of Customs. The new procedures of import-export will serve to the safety and security of radioactive materials in Albania.

Pursuant to operative paragraph 7 of UNSCR 1540 Albania is interested to receive assistance as regards:

- the adoption of appropriate domestic legislation concerning the implementation in the near future of EU Code of Conduct,

- improvement of existing licensing systems on export-import of materials that might be used for manufacturing of WMD,

- improving logistics of customs and border police concerning the controlling of materials being imported to or exported by Albania or transiting through the territory of the country.